

Message

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Message from the Executive Director



With June already upon us, I want to draw to your attention a couple of excellent opportunities to participate in our summertime and fall meetings:

- Advance registration and the hotel room block are open until **June 18** for the July 10 ECOS State Environmental Protection (STEP) meeting in Washington, DC, on technology helping state environmental agencies to accomplish our missions. Entitled *From the Flintstones to the Jetsons: How Technology is Transforming Environmental Protection*, the meeting will feature keynotes from Google and Microsoft and lively panels with ECOS members and other experts. To borrow a term from Misael Cabrera of Arizona, you can do some "R&D (Rip Off & Deploy)" at STEP as you hear about how other states are taking advantage of innovative

technologies. See the [ECOS website](#) to register and reserve, and contact [Kelly Poole](#) for more information.

- Registration opens later this month for our September 24-26 Fall Meeting in Seattle, Washington on *States Sparking Solutions*. We're already seeking notification of your intent to submit an innovation video to nominate an initiative for our annual State Program Innovation Award program. Each state may submit one video, and we're aiming for full participation -- but have heard only from Delaware, Tennessee, Utah, West Virginia, and Wyoming. Please see specs for submission [here](#) and last year's videos [here](#). Contact [Nia Duke](#) by **June 12** regarding your intent to participate and planned topic and submit your video using this [Dropbox link](#) by **July 12**.

Your participation in these activities will help us to continue the tradition of peer-to-peer information exchange that is the foundation of ECOS.

Regards,
Don Welsh

U.S. EPA Updates CWA Section 401 Certification Guidance

Today, U.S. EPA transmitted to Governors its updated [Clean Water Act \(CWA\) Section 401 Guidance](#), accompanied by [this letter](#). As described by EPA, the guidance clarifies timelines for review and action on a Section 401 certification, the appropriate scope of Section 401 certification conditions, and information within the scope of a state or authorized tribe's Section 401 review. The guidance also provides recommendations to promote early collaboration and coordination through the certification process.

ECOS articulated its pre-guidance position in a [May 24 letter](#), which emphasizes the importance of state roles and perspectives in water quality certification under CWA Section 401.

In addition to the guidance update, an April [Executive Order](#) on Promoting Energy Infrastructure and Economic Growth directed EPA to develop a proposed rule to modernize CWA Section 401 implementation by August 8.

Find more information on CWA Section 401 certification [here](#). [Piper]

ECOS Welcomes Federal MOU on Water Infrastructure Disaster Response



ECOS is welcoming a June 4 agreement between U.S. EPA and the Federal Emergency Management Agency (FEMA) to speed the availability of funding used to restore vital water infrastructure in times of disaster. The federal [Memorandum of Understanding \(MOU\)](#) establishes a framework for EPA-funded State Revolving Fund (SRF) programs to assist and collaborate with FEMA disaster assistance grant programs.

"It is essential that states be supported by federal partners during times of crisis and natural disaster," says ECOS President Becky Keogh, Director of the Arkansas Department of Environmental Quality. "This MOU is an excellent example of affording flexibility to state and local governments to bring rapid resources and recovery for infrastructure critical to protection of human health and the environment."

"This MOU allows state agencies to better serve our communities impacted by federally declared disasters," adds ECOS Vice President Jim Macy, Director of the Nebraska Department of Environmental Quality. "The clarity that this MOU provides will allow state SRF programs to offer 0% bridge loans so communities can deliver clean drinking water and effectively manage wastewater to help our communities recover quickly and return to normal operations. Reliable infrastructure is the key to community success."

[Parisien/Klasen]

U.S. EPA Issues Directive for Regions to Meet Water Deadlines

On June 3, U.S. EPA sent a memorandum to Regional Administrators directing Regions to comply with statutory deadlines for acting on state and tribal Clean Water Act (CWA) submittals. EPA emphasizes that this is one measure the agency is taking to be more responsive to regulatory partners while recognizing their local expertise in water quality work.

The memo directs regional offices to approve or disapprove state and tribal CWA submittals within the timelines established by Congress. For example, EPA must approve new or revised water quality standard submittals within 60 days of the date of the submission or disapprove within 90 days, and the agency must approve or disapprove biannual lists of waters determined to be impaired and total maximum daily loads within 30 days.

The full memo is available [here](#). [Piper]

U.S. EPA Poised to Release Final National Program Guidance

Today, U.S. EPA is expected to release its final National Program Guidance (NPG) documents for Fiscal Years (FY) 2020-2021. The agency released its draft guidance documents for a 30-day public comment period in April, during which ECOS organized four calls for states and media associations.

You can view the final guidances [here](#) when they are posted, and check next week's *ECOSWIRE* for a full analysis of the NPG process, final documents, and comments submitted by multiple states. [McAleer]



State News You Can Use

[North Dakota Transitions to DEQ](#)

[Louisiana Releases Disaster Recovery Resource for Local Governments](#)

[Citizen Scientists Monitor DC Waterways](#)

Alumni News

Former ECOS President Passes



*Hemmer speaks at the 1999 ECOS
Annual Meeting in Jackson Hole, Wyoming.*

It is with sadness that ECOS reports the June 1 passing of Dennis Hemmer, Director of the Wyoming Department of Environmental Quality in 1989-2003 and ECOS President in 2002- 2003. In addition to serving in leadership roles within ECOS, Hemmer hosted the 1999 Annual Meeting in Jackson Hole, Wyoming.

He is survived by his wife Mary Kay and other family members, and is remembered fondly by ECOS alumni and staff who worked with him. [Hanson]

Need-to-Know News in Air & Land and Waste

U.S. EPA Proposes Rule to Allow E15 Waiver and to Improve RIN Market Transparency

Area of Focus: Air

In May, EPA sent to the White House Office of Management & Budget a proposed rule to allow gasoline blended with up to 15 percent ethanol (E15) to take advantage of the 1-psi Reid Vapor Pressure (RVP) waiver for the summer months that has historically been applied only to E10. EPA is also proposing regulatory changes to modify elements of the renewable identification number compliance system under the Renewable Fuel Standard program to enhance transparency in the market and deter price manipulation.

Under the proposed expansion, E15 would be allowed to be sold year-round without additional RVP control, rather than just eight months of the year.

June 10 is the predicted publication date in the *Federal Register*, after which there will be 60 days to comment. Additional details are available on EPA's website. [Poole]

U.S. EPA Signs Final Rule to Exempt Animal Waste Air Emissions from EPCRA Reporting

Area of Focus: Air

On June 4, EPA Administrator Andrew Wheeler signed a final rule amending the emergency release notification regulations under the Emergency Planning and Community Right-to-Know Act (EPCRA). The amendments clarify that reporting of air emissions from animal waste at farms is not required under EPCRA.

According to EPA, the changes to emergency release reporting regulations reflect the existing relationship between EPCRA and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and provide consistency between the two environmental laws. Under the Fair Agricultural Reporting Method Act, which was part of the Consolidated Appropriations Act signed into law in March 2018, air emissions from animal waste at a farm are exempt from reporting under CERCLA section 103. Because these types of releases are exempted under CERCLA, based on the release reporting criteria under EPCRA section 304, EPA deems that these types of releases are also exempt under section 304. [Poole]

Lawsuit Filed on 2008 Ozone NAAQS

Area of Focus: Air

The Center for Biological Diversity (CBD) and Sierra Club have filed a complaint against U.S. EPA alleging that the agency missed the January 20, 2019 deadline for determining whether areas in moderate nonattainment in Arizona, California, Connecticut, Illinois, Indiana, Maryland, New Jersey, New York, Texas, and Wisconsin are in attainment of the 2008 National Ambient Air Quality Standards for ozone. CBD and Sierra Club ask the court to compel Administrator Andrew Wheeler to determine whether these moderate nonattainment areas are in attainment.

For more information, see EPA's Office of General Counsel complaints and petitions for

[review tracker](#). To receive automatic notifications of new litigation, [subscribe here](#). [Poole]

U.S. EPA Awards Brownfield Grants to 149 Communities, Publishes Accomplishments Booklet

Area of Focus: [Land and Waste](#)

This week, U.S. EPA Administrator Andrew Wheeler traveled to Pennsylvania to announce the selection of 149 communities to receive awards totaling more than \$64 million in EPA Brownfields funding through the Multipurpose, Assessment, and Cleanup Grant Programs. Forty percent of the communities selected for funding will receive assistance for the first time. See the list of the FY 2019 applicants selected for funding [here](#).

Also this week, EPA published a new document highlighting the accomplishments of EPA Brownfield Grant recipients around the country. See the booklet, entitled *Brownfields: Properties with New Purpose, Improving Local Economies in Communities with Brownfield Sites*, [here](#). [Parisien]

Appointment Opportunities

U.S. EPA Seeks Nominations for Science Advisory Board

U.S. EPA has published its annual [Federal Register notice](#) seeking nominations for members to fill possible positions on the Science Advisory Board (SAB). EPA also seeks nominations of experts for possible vacancies on four SAB standing committees: Agricultural Science, Chemical Assessment Advisory, Drinking Water, and Radiation Advisory Committees. Self-nominations are accepted.

The deadline for nominations is **June 24**. If you are interested in learning more about the expertise sought for the SAB or the nomination and selection process, please see the [request for nominations](#). [Hanson]

ITRC Seeks State At-Large Board Representative

The Interstate Technology & Regulatory Council (ITRC) seeks applicants for the ITRC Board of Advisors State At-Large Representative position that opens for the three-year term beginning in January 2020.

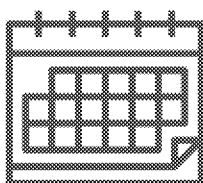
The ideal candidate for the position is a state agency employee with experience in cross-media issues. The representative will provide input on air, water, and land issues at the state level so that ITRC can continue to expand its non-remediation goals. The representative also ensures ITRC's communication and information exchange with air, water, and land state agencies/associations.

For more information, please contact [Ken Zarker](#), the current ITRC State Association Representative. Resumes and cover letters should be submitted electronically to ITRC Director [Patricia Reyes](#) by **June 28**. Learn more [here](#). [Olonoff]

Career Opportunities

Massachusetts Seeks TMDL Coordinator

The Massachusetts Department of Environmental Protection Bureau of Water Resources has posted a vacancy announcement for the position of Environmental Analyst IV, TMDL Coordinator. For more information, see [here](#). [Parisien]



Upcoming Events

U.S. EPA on its Report on the Environment

U.S. EPA will hold its monthly Tools and Resources webinar on **June 12 at 3-4 p.m. Eastern**. The webinar will highlight the agency's Report on the Environment, a source that uses scientific indicators to detail the current status of and historical trends in the environment and human health.

To register, see [here](#). [Longsworth]

ECOS Digital Strategies Forum on Recent Updates



The Digital Strategies Forum (formerly Data Management Workgroup) **ECOS** will meet via webinar on **June 13 at 1-2 p.m. Eastern**. Please contact [Layne Piper](#) of ECOS if you would like to be added to the email distribution list. [Piper]

ITRC on TPH Risk Evaluation at Petroleum-Contaminated Sites



ITRC will hold an online training course on *TPH Risk Evaluation at Petroleum-Contaminated Sites* on **June 19 at 1-3:15 p.m. Eastern**.

It is important to consider a comprehensive cumulative risk-based approach to total petroleum hydrocarbon (TPH) cleanup and long-term management. After attending this training, participants will be able to: recognize how TPH-impacted media interacts with the environment and changes over time; select appropriate analytic methods to match site objectives; apply the decision framework to determine when a site-specific target level may

be more appropriate than a generic screening level for TPH; and use the [ITRC document](#) as a go-to resource for evaluating TPH risk at petroleum-contaminated sites.

Learn more and register [here](#). [Olonoff]

U.S. Army Corps of Engineers on Infrastructure

The U.S. Army Corps of Engineers invites states and other stakeholders to identical webinars on **June 20** and **June 28** regarding the Corps' *Revolutionize Civil Works* initiative. The initiative aims to expedite delivery of our nation's infrastructure by synchronizing actions, developing new tools, and streamlining activities. The webinars will provide an overview of actions to date, followed by an opportunity for discussion.

Webinar information is available on the Revolutionize Civil Works [website](#). [Klasen]

ITRC on PFAS Contamination



ITRC invites state staff and others to attend an in-person PFAS training class in Raleigh, North Carolina on **June 21**. Taught by environmental experts, the class will focus on PFAS regulations, site characterization, risk assessment, treatment technologies, and more.

The class is free for states and many others, and travel scholarships are available for state staff traveling more than 50 miles.

Please contact [Tadbir Singh](#) for more information, or learn more and register [here](#). [Olonoff]

U.S. EPA on Methane Reduction

U.S. EPA's Methane Challenge Program invites states and others to a progress update webinar on **June 26 at 2-3 p.m. Eastern**. In 2018, the Methane Challenge Program launched its first reporting season for the Best Management Practice commitment option during which partners submitted data on their progress towards meeting their commitments in 2017. During this webinar, EPA will share results from 2017 BMP reporting and

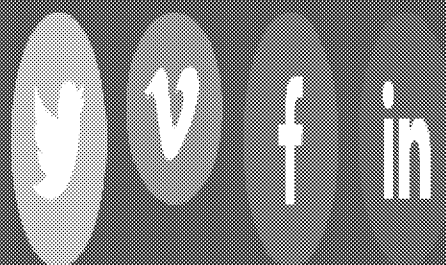
information about the 2019 reporting season.

Participation in the webinar is free, but online registration is required [here](#). [Parisien]

U.S. EPA on Risk Assessment Plans for Water Systems

U.S. EPA will host two webinars on **August 22 and September 5 at 1 p.m. Eastern** to provide a brief overview of the updated [Vulnerability Self-Assessment Tool and Emergency Response Plan Guidances](#). EPA will also offer in-person trainings in each EPA region to provide water utilities and state representatives with a more detailed review of the new requirements.

More information about the webinars and in-person trainings is available [here](#). [Swanson]



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